

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Bujold on 10 April 2009.

The application has been amended as follows:

Claim 20 is cancelled.

Reasons for Allowance

2. Claims 21-26 and 28 are allowed.

3. The following is an examiner's statement of reasons for allowance: Regarding claims 21, 23, and 28, the Applicant has amended the claims such that they are rewritten in independent form. Claims 21, 23, and 28 were previously indicated as allowable over the prior art (see previous reasons for indicating allowable subject matter). Claims 22 and 24-26 are found allowable over the prior art in light of the Applicants arguments. The limitation "the splitter plate defining four duct-entry openings for individual ones of the subsidiary air streams, four control-blade devices... to vary the proportions by which the high pressure air stream is split between the two duct entry openings..." is not taught or found in any of the prior art. The closest prior art of record Nightingale US 5,297,388 discloses a VTOL engine with at most 3 relevant duct

openings where the air splitter plate defines the openings to. Furthermore, the air splitter means is only capable of providing a variable portion of air to the rear nozzle 18 and the forward nozzles 36, 40 (see Applicant's arguments). One of ordinary skill in the art would not have found it obvious to include a fourth nozzle such that the air splitter means defines four subsidiary air ducts because the VTOL design of Nightingale only allows for the splitting of air between the vectorable nozzle 36/40 and the rear nozzle 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD L. SUNG whose telephone number is (571)270-3765. The examiner can normally be reached on M-F 9am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on (571) 272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Sung
Patent Examiner
GS
10 April 2009

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3741